

DAVIS WRIGHT TREMAINE LLP

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT TERUEL, individually; and on
behalf of all those similarly situated,

Plaintiffs,

v.

DIAMOND PARKING INC., a Washington
corporation; DIAMOND PARKING
SERVICES, LLC, a Washington Limited
Liability Company; and DOES 1 through 500,
inclusive,

Defendants.

CASE NO. C 07-03388 JSW

**STIPULATION FOR DISMISSAL OF
INDIVIDUAL ACTION AND CLASS
ACTION CLAIMS; [PROPOSED] ORDER**

**(Declaration of A. Nicholas Georggin, Esq.;
and Declaration of Jan Sumner filed and
served concurrently herewith)**

STIPULATION

Defendants Diamond Parking Inc. and Diamond Parking Services, LLC (“DIAMOND”) and Plaintiff Robert C. Teruel, individually, (“TERUEL”) through their attorneys of record, represent to the Court that the parties have reached a settlement of TERUEL’s individual claims against DIAMOND in this matter. Due to the limited number of, and the divergent job duties and work locations for, the potential class members in this case, the parties are unaware of any legal

1 authority that would support certification of a class under Federal Rules of Civil Procedure, rule
 2 23. (See Declarations of A. Nicholas Georggin, Esq. and Jan Sumner, filed herewith.) As such,
 3 this agreement does not settle any class allegations, nor shall it be interpreted to apply to any of
 4 DIAMOND's current or former employees except for TERUEL individually. Nothing in this
 5 Stipulation and Order of Dismissal shall negatively affect the rights of the putative class members,
 6 including but not limited to the applicable statute of limitations, which is tolled for the period of
 7 time from the filing of the instant action up to and including the date of dismissal.

8 Based on the aforementioned settlement, the parties stipulate to entry of the subjoined
 9 Order dismissing TERUEL's individual action with prejudice and the class action claims without
 10 prejudice, and with each party to bear their own attorneys' fees and costs.

11
 12 DATED this 15th day of July, 2008.

13 DAVIS WRIGHT TREMAINE LLP
 14 Attorneys for Defendants Diamond Parking
 15 Inc. and Diamond Parking Services, LLC

KRUTCIK & GEORGIN
 Attorneys for Plaintiff Robert Teruel

16 By /s/ Katie Rosen
 17 KATIE S. ROSEN

By /s/ A. Nicholas Georggin
 A. NICHOLAS GEORGIN

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation of the parties, it is hereby ordered, adjudged, and decreed that due to the settlement of Plaintiff Robert C. Teruel's ("TERUEL") individual claims against Defendants Diamond Parking Inc. and Diamond Parking Services, LLC ("DIAMOND"), TERUEL's individual action is hereby dismissed with prejudice, the class action claims are hereby dismissed without prejudice, and each party is to bear their own attorneys' fees and costs. Nothing in this Stipulation and Order of Dismissal shall negatively affect the rights of the putative class members, including but not limited to the applicable statute of limitations, which is tolled for the period of time from the filing of the instant action up to and including the date of dismissal.

DATED: _____, 2008.

THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE